

HOUSE No. 87

The Commonwealth of Massachusetts

METROPOLITAN DISTRICT COMMISSION,
20 SOMERSET STREET, BOSTON 02108, October 30, 1967.

HONORABLE KEVIN H. WHITE, *Secretary of the Commonwealth*, State House,
Boston, Massachusetts.

DEAR MR. SECRETARY:—In accordance with the provisions of chapter 30, section 33, as amended, I am transmitting a copy of the recommendations for legislation, together with a draft of the bills embodying the legislation recommended. The drafts of legislation have been submitted to the Counsel of the House as required by law.

Respectfully submitted,

HOWARD WHITMORE, JR.
Commissioner.

RECOMMENDATIONS.

1. AN ACT PROVIDING FOR THE PAYMENT FROM THE HIGHWAY FUND INSTEAD OF FROM THE METROPOLITAN DISTRICT COMMISSION PARKS FUND OF THE AMOUNT TO BE PAID IN COMPLIANCE WITH CHAPTER 515 OF THE ACTS OF 1960.

Chapter 515 of the acts of 1960 was an act authorizing and directing the Metropolitan District Commission to establish a parking area in the City of Revere and subsequently was the subject of a decision of the Supreme Judicial Court relative to payment of land damages in which the Supreme Judicial Court ruled that the takings were for highway purposes.

Therefore, the attached legislation is necessary in order that the payment of all costs be correctly charged to the Accelerated Highway Fund, chapter 822 of the acts of 1963, instead of the Metropolitan District Commission Parks Loan Act of 1961.

2. AN ACT DIRECTING THE METROPOLITAN DISTRICT COMMISSION TO CONSTRUCT A WATER SUPPLY TUNNEL EXTENDING FROM CHELSEA TO EAST BOSTON UNDER THE CHELSEA RIVER.

Under a license dated June 9, 1910, the Metropolitan Water and Sewerage Board was granted permission to construct and maintain a water supply tunnel under Chelsea Creek. Condition No. 2 of this permit reads as follows: "The tunnel shall be promptly lowered by said licensee at his own expense whenever required by the Secretary of War in the interest of navigation." The Chelsea River and Chelsea Creek, so-called, were dredged under a contract awarded by the U.S. Army Engineers in 1965. In connection with this dredging, approximately 2 feet of channel silt was removed from the top of our existing tunnel, and there is now only approximately 1 to 2 feet of clearance between the hulls of larger tankers using the channel and the top of our existing structure. If a loaded or disabled boat or tanker should strike the top of this structure, it might conceivably disrupt service in this principal water supply

main, through which we furnish the East Boston section of the city including Logan International Airport with a major portion of its water supply requirements.

There is another distribution line, which crosses the river downstream from this tunnel, which is partially in tunnel and partially on piles. This main would not be sufficiently large to meet the normal or peak load water supply requirements of this section of the city if the tunnel which we now wish to replace were damaged and out of service. Therefore it is of great importance that the accompanying bill be enacted into law expeditiously, and we respectfully recommend that it be approved.

3. AN ACT REPEALING AN ACT RELATIVE TO THE CONSTRUCTION BY THE METROPOLITAN DISTRICT COMMISSION OF AN AQUEDUCT SYSTEM FROM WACHUSETT RESERVOIR TO THE MERRIMACK VALLEY TO SUPPLY ADDITIONAL TOWNS AND DISTRICTS WITH WATER.

Chapter 605 of the acts of 1949 authorized the Metropolitan District Commission to construct an aqueduct system from the Wachusett Reservoir to the Merrimack Valley.

Since this measure became law on July 28, 1949, no work has been undertaken, nor have any of the cities or towns concerned entered into any agreements or made application for a supply of water under this act.

It is therefore recommended that this act be repealed in order to eliminate the necessity of carrying over each fiscal year a bond issue which not only is not sufficient to carry out its provisions but also has not created any interest among the cities and towns concerned.

4. AN ACT RELATING TO OVERTIME PAY FOR MEMBERS OF THE POLICE FORCE OF THE METROPOLITAN DISTRICT COMMISSION.

In order to clarify the compensation for overtime services of the members of the police force of the Metropolitan District Commission, section 92B must be changed. The Commission feels that overtime payments should be based on forty hours.

5. AN ACT PROVIDING ADDITIONAL FUNDS FOR THE METROPOLITAN DISTRICT COMMISSION TO COVER THE COST OF COMPLETING THE SEWERAGE PROGRAM.

In order to complete the authorized work on the overall sewerage program which was initially authorized by section 1 of chapter 705 of the acts of 1945 and subsequently added to by further legislative acts, the latest being Chapter 563 of the acts of 1966, it is necessary that additional funds be made available. The principal projects to be completed for which funds are not available are the North Charles Relief Sewer, the Squantum Force Main, the Boston Marginal Conduit Pumping Station, the Rehabilitation of Tide Gates and Existing Pumping Stations to be modified and integrated with new facilities.

In view of the many substantial advantages which this continuing program offers, particularly as relates to public health, to the member communities, it is respectfully recommended that the accompanying bill providing for additional funds be favorably considered.

6. AN ACT FURTHER EXTENDING THE TIME WITHIN WHICH CERTAIN SEWERAGE PROJECTS AND WORKS IN THE METROPOLITAN SEWERAGE DISTRICT MAY BE UNDERTAKEN AND COMPLETED.

Under chapter 674 of the acts of 1965 the time for the completion of certain sewerage projects in the overall sewerage program was set at June 30, 1968. While the majority of the projects will have been finished by that time and it is expected that the Deer Island Treatment Plant will be in operation, there will remain some construction to be completed beyond this date. In order to continue authority to complete this work and to avoid possible expiration of authority to sell bonds for this purpose, it is recommended that the time be extended to June 30, 1971.

The Metropolitan District Commission respectfully requests favorable action on this proposal.

7. AN ACT FURTHER PROVIDING FOR THE CONSTRUCTION OF DRAINAGE AND FLOOD CONTROL FACILITIES IN STONEHAM, WAKEFIELD, MELROSE, MALDEN, EVERETT, REVERE AND SAUGUS.

Because of chapter 640 of the acts of 1967, which required additional expenditures on the part of the Metropolitan District Commission for drainage and flood control, and since no monies are left in prior appropriations, a new bond issue in the amount of \$1,500,000 will be necessary to complete the work authorized by the 1967 legislature.

In addition, the Commission is in agreement that the work is necessary.

8. AN ACT PROVIDING FOR DISPOSAL OF MOTOR VEHICLES TOWED BY METROPOLITAN DISTRICT COMMISSION.

It is very important that chapter 255, section 39A, be amended to include Metropolitan District Police. Hundreds of motor vehicles are removed from accident scenes yearly by our police officers, and it is only fair that towing companies involved be afforded the protection provided other police departments, which is presently eliminated under chapter 255, section 39A.

9. AN ACT RELATIVE TO CERTAIN PROCEEDINGS BASED UPON POSSIBILITY OF REVERTER AFFECTING LANDS OF THE COMMONWEALTH OR ITS CONSTITUTIONAL DEPARTMENTS.

The reason for filing this legislation is that the Commission has in the past, and still does, convey land in fee with a condition contained in the conveyance that in the event the land is not used for certain purposes, the conveyance is to be null and void and the land revert to the Commonwealth. It does not seem right that the Commonwealth should be subject to re-recording of these instruments and, in the event that one or some of them should be overlooked, that the Commonwealth should forfeit this land. This is an unjust enrichment which was never intended to take place.

A classic example of what happened is the land at the Watertown Arsenal. This was conveyed upon the condition that it was to revert to the Commonwealth whenever the Government ceased to use it for arsenal purposes. The United States Government, the

would-be owners, is claiming now that it has a fee in the land without any conditions.

The existing statute should be clarified so that the sovereign Commonwealth should be exempted from such legislation.

10. AN ACT PROVIDING ADDITIONAL FUNDS FOR THE METROPOLITAN DISTRICT COMMISSION TO COVER THE COST OF CONSTRUCTION OF A DAM ACROSS THE CHARLES RIVER.

Chapter 646 of the acts of 1957 and later chapter 550 of the acts of 1962 together provided for bond issues totaling eleven million five hundred thousand dollars to provide for a new dam, flood control, and a new highway.

At the present moment approximately three million five hundred thousand dollars has been spent or encumbered for work accomplished. Based on bids received for the Mystic River Dam, our engineers have estimated that additional monies will be needed to complete this project.

In view of the many substantial advantages which the new dam and locks, the flood control facilities, aiding the elimination of pollution, and the new highway have to offer, it is respectfully recommended that the accompanying bill providing for additional funds be favorably considered.

